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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,736

Applicant(s)

FILLEY ET AL.

Examiner

SEAN MOTSINGER

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 29-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 29-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Applicants Arguments/Amendments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Applicant's arguments, filed 5/18/2009, with respect to the prior art have been fully considered and are persuasive. The Rejection has been withdrawn.

Applicants arguments have been fully considered but are moot in view of new grounds of rejection.

Rejections Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 16-17, 19 22-23 and 75 rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865 in further view of Wise et al US 6,323,885.

Re claim 1 Toyama discloses A method of storing photographs comprising:
providing a data repository on a network (internet column 6 lines 60-65) accessible to a

plurality of users who have digital photographs, wherein the digital photographs are comprised of data files in a suitable format (column 2 lines 24-33); receiving digital photographs from the users over the network (column 7 lines 30-50); storing the digital photographs in the data repository (column 7 lines 40-45); when storing each digital photograph in the data repository, associating each digital photograph with data that indicate a physical location(column 2 lines 23-34); providing a search function available to the users over the network that enables users to search by location for digital photographs stored by other users (column 7 lines 15-30); allowing users to select digital photographs stored by other users (column 7 lines 30-67, column 8 lines 30-50);

Petzold discloses providing the users with route guidance for traveling to locations shown in the selected digital photographs. The motivation to provide navigation see abstract. Therefore it would have been obvious to combine Petzold with Toyoma to reach the aforementioned advantage.

Toyoma discloses displaying an area map and allowing users to select media from the map (see column 9 lines 37-50) It does not expressly disclose retrieving this map area by street address. However such a feature is notoriously well known see Wise (column 2 lines 47-61) The motivation to combine is to retrieve a map by street address. Therefore it would have been obvious to combine Toyoma with Wise to achieve the aforementioned advantage.

For claim 4 Toyoma discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the

additional data in the data repository, wherein the additional data indicate an owner of the digital photograph (creator column 2 lines 35-45).

Re claim 16 Toyoma discloses making the data repository accessible to a map developer; and allowing the map developer to update maps using the digital photographs stored in the data repository (column 9 lines 35-55).

Re claim 17 Toyama discloses transmitting copies of the selected digital photographs to the users who selected them over the network (column 8 lines 30-50).

Re claim 19 Petzold discloses the search function allows a user to specify a physical location by distance from a reference point (column 2 lines 40-50). .

Re claim 22 Toyoma discloses the search function supports free text searches (column 2 lines 35-45)

Re claim 23 Toyoma discloses wherein the data repository automatically recognizes potential place names when users enter text to be associated with digital photographs being stored (column 2 lines 33-45).

Re claim 75 Wise discloses geocoding the specific street address (column 2 lines 47-61)

Claims 2-3, 5-7, 12-15 ,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865 in further view of Wise et al US6,323,885, in further view of Squibbs US 6,914,626.

For claim 2, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicates an orientation (column 1 lines 20-21). The motivation to combine is to provide orientation data see column 1 lines 20-21) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 3, Toyoma Petzold and Wise disclose the elements of claim 1. Squibs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data restrict which other users may obtain a copy of the digital photograph (column 8 lines 15-16). The motivation to combine is to make access to the photos password protected (see column 8 lines 15-16) Therefore it would

have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 5, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was taken (fig. 4 column4 lines 10-45). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 6, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was deposited in the data repository (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 7, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data provide a description of the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

Re claim 12 Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses the physical location associated with the digital photograph indicates the location of an object in the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 13, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses the data that indicate a physical location is obtained, for at least some of the digital photographs, from positioning equipment associated with the camera that took the photograph (fig. 1). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 14, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses the data that indicate a physical location is obtained from the user from whom the associated digital photograph was received (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 15, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses when receiving digital photographs from users, requesting each user to indicate the physical location to be associated with the digital photograph (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 18, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs received from users, allowing the users to associate a plurality of digital photographs as a related group (column 6 lines 1-10). The motivation to combine is to create groups of photos (column 6 lines 1-10).

Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 20, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses the search function allows a user to specify a physical location by a bounding area (map of fig. 7). The motivation to combine is to navigate the display (column 8 lines 20-30) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 6,977,679 issued to Tretter et al. ("Tretter").

For claim 8, Toyoma Petzold and Wise disclose the elements of claim 1. Tretter discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data include a focal length used for the digital photograph (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to record the focal length with the digital photographs of Toyoma for the benefit of categorizing non-textual subject data such as digital images as taught by Tretter in the abstract.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of Iinuma U.S. Patent Number 2002/0073214

Re claim 9 Toyama Petzold and Wise disclose the elements of claim 1. Iinuma discloses for some of the selected digital photographs transmitted to users, charging the users a fee for the selected digital photographs (figure 1 see abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine Iinuma with Toyoma to charge a fee for selected photographs for the advantage of obtaining copywriter material for a fee (see abstract)

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 7,100,190 issued to Johnson et al. ("Johnson").

For claim 10 Toyama Petzold and Wise disclose the elements of claim 1.

Johnson discloses storing links to web cams in the data repository; when storing each link to a web cam in the data repository, associating each link to a web cam with data that indicate a physical location, wherein the physical location indicates where the web cam associated with the link is located; providing a search function available to the users over the network that enables users to search by physical location for web cam links stored by other users; allowing users to select links to web cams of other users; and transmitting the respective selected web cam links to the users who selected them over the network (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the webcam network with the digital photograph network of Toyama for the benefit of permitting users to take virtual trips as taught by Johnson in the abstract.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 6,965,828 issued to Pollard.

For claim 11 Toyama Petzold and Wise disclose the elements of claim 1.

Pollard discloses the physical location associated with the digital photograph indicates a vantage point of the digital photograph (column 8 line 61). It would have been obvious to one of ordinary skill in the art at the time of the invention to indicate the vantage point

of the location for the benefit of offering information or providing services relevant to that location as taught by Pollard in column 1 lines 24-38.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of 2003/0021591.

For claim 21 Toyama Petzold and Wise disclose the elements of claim 1. Jones discloses establishing groups of users, wherein each group comprises a subset of all users; and restricting exchange of digital photographs stored in the data repository by members of a group to only members of the group (paragraph 82). The motivation to combine is to generate groups of photographs by a plurality of photographers at an event see paragraph 82. Therefore it would have been obvious to combine Toyama with Jones to reach the aforementioned advantage.

Claims 29 32 44-45, 47 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865 in further view of Wise et al US 6,323,885.

Re claim 29 Toyama discloses A method of storing photographs comprising: providing a data repository on a network (internet column 6 lines 60-65) accessible to a plurality of users who have digital photographs, wherein the digital photographs are

comprised of data files in a suitable format (column 2 lines 24-33); receiving digital photographs from the users over the network (column 7 lines 30-50); storing the digital photographs in the data repository (column 7 lines 40-45); when storing each digital photograph in the data repository, associating each digital photograph with data that indicate a physical location(column 2 lines 23-34); providing a search function available to the users over the network that enables users to search by location for digital photographs stored by other users (column 7 lines 15-30); allowing users to select digital photographs stored by other users (column 7 lines 30-67, column 8 lines 30-50);

Petzold discloses providing the users with route guidance for traveling to locations shown in the selected digital photographs. The motivation to provide navigation see abstract. Therefore it would have been obvious to combine Petzold with Toyoma to reach the aforementioned advantage.

Wise discloses wherein data received from a user indicating the physical location associated with a digital photograph is transformed by an acceptance application associated with the data repository into an alternative format (column 4 lines 1-10). The motivation to combine is utilize a street address for longitude and latitude. Therefore it would have been obvious to combine Toyoma with Wise to achieve the aforementioned advantage.

For claim 32 Toyoma discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the

additional data in the data repository, wherein the additional data indicate an owner of the digital photograph (creator column 2 lines 35-45).

Re claim 44 Toyoma discloses making the data repository accessible to a map developer; and allowing the map developer to update maps using the digital photographs stored in the data repository (column 9 lines 35-55).

Re claim 45 Toyama discloses transmitting copies of the selected digital photographs to the users who selected them over the network (column 8 lines 30-50).

Re claim 47 Petzold discloses the search function allows a user to specify a physical location by distance from a reference point (column 2 lines 40-50). .

Re claim 50 Toyoma discloses the search function supports free text searches (column 2 lines 35-45)

Re claim 51 Toyoma discloses wherein the data repository automatically recognizes potential place names when users enter text to be associated with digital photographs being stored (column 2 lines 33-45).

Claims 30-31, 33-35, 40-43, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865 in further view of Wise et al US6,323,885, in further view of Squibbs US 6,914,626.

For claim 30, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicates an orientation (column 1 lines 20-21). The motivation to combine is to provide orientation data see column 1 lines 20-21) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 31, Toyoma Petzold and Wise disclose the elements of claim 29. Squibs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data restrict which other users may obtain a copy of the digital photograph (column 8 lines 15-16). The motivation to combine is to make access to the photos password protected (see column 8 lines 15-16) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 33, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was taken (fig. 4 column4 lines 10-45). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 34, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was deposited in the data repository (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 35, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data

repository, wherein the additional data provide a description of the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

Re claim 40 Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses the physical location associated with the digital photograph indicates the location of an object in the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 41, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses the data that indicate a physical location is obtained, for at least some of the digital photographs, from positioning equipment associated with the camera that took the photograph (fig. 1). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 42, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses the data that indicate a physical location is obtained from the user from whom

the associated digital photograph was received (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 43, Toyoma Petzold and Wise disclose the elements of claim 29. Squibbs discloses when receiving digital photographs from users, requesting each user to indicate the physical location to be associated with the digital photograph (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 46, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses for some of the digital photographs received from users, allowing the users to associate a plurality of digital photographs as a related group (column 6 lines 1-10). The motivation to combine is to create groups of photos (column 6 lines 1-10). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 48, Toyoma Petzold and Wise disclose the elements of claim 1. Squibbs discloses the search function allows a user to specify a physical location by a bounding area (map of fig. 7). The motivation to combine is to navigate the display (column 8 lines 20-30) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 6,977,679 issued to Tretter et al. ("Tretter").

For claim 36, Toyoma Petzold and Wise disclose the elements of claim 29. Tretter discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data include a focal length used for the digital photograph (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to record the focal length with the digital photographs of Toyoma for the benefit of categorizing non-textual subject data such as digital images as taught by Tretter in the abstract.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of linuma U.S. Patent Number 2002/0073214

Re claim 37 Toyama Petzold and Wise disclose the elements of claim 29. linuma discloses for some of the selected digital photographs transmitted to users, charging the users a fee for the selected digital photographs (figure 1 see abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine linuma with Toyoma to charge a fee for selected photographs for the advantage of obtaining copywriter material for a fee (see abstract)

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 7,100,190 issued to Johnson et al. ("Johnson").

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 7,100,190 issued to Johnson et al. ("Johnson").

For claim 38 Toyama Petzold and Wise disclose the elements of claim 29.

Johnson discloses storing links to web cams in the data repository; when storing each link to a web cam in the data repository, associating each link to a web cam with data that indicate a physical location, wherein the physical location indicates where the web cam associated with the link is located; providing a search function available to the users over the network that enables users to search by physical location for web cam links stored by other users; allowing users to select links to web cams of other users; and transmitting the respective selected web cam links to the users who selected them over the network (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the webcam network with the digital photograph network of Toyama for the benefit of permitting users to take virtual trips as taught by Johnson in the abstract.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 6,965,828 issued to Pollard.

For claim 39 Toyama Petzold and Wise disclose the elements of claim 29.

Pollard discloses the physical location associated with the digital photograph indicates a vantage point of the digital photograph (column 8 line 61). It would have been obvious to one of ordinary skill in the art at the time of the invention to indicate the vantage point

of the location for the benefit of offering information or providing services relevant to that location as taught by Pollard in column 1 lines 24-38.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 1 above, and further in view of 2003/0021591.

For claim 49 Toyama Petzold and Wise disclose the elements of claim 29.

Jones discloses establishing groups of users, wherein each group comprises a subset of all users; and restricting exchange of digital photographs stored in the data repository by members of a group to only members of the group (paragraph 82). The motivation to combine is to generate groups of photographs by a plurality of photographers at an event see paragraph 82. Therefore it would have been obvious to combine Toyama with Jones to reach the aforementioned advantage.

Claims 52, 55, 67-68, 70 73-74 rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865.

Re claim 52 Toyama discloses A method of storing photographs comprising: providing a data repository on a network (internet column 6 lines 60-65) accessible to a plurality of users who have digital photographs, wherein the digital photographs are comprised of data files in a suitable format (column 2 lines 24-33); receiving digital

photographs from the users over the network (column 7 lines 30-50); storing the digital photographs in the data repository (column 7 lines 40-45); when storing each digital photograph in the data repository, associating each digital photograph with data that indicate a physical location(column 2 lines 23-34); providing a search function available to the users over the network that enables users to search by location for digital photographs stored by other users (column 7 lines 15-30); allowing users to select digital photographs stored by other users (column 7 lines 30-67, column 8 lines 30-50);

Petzold discloses providing the users with route guidance for traveling to locations shown in the selected digital photographs. The motivation to provide navigation see abstract. Therefore it would have been obvious to combine Petzold with Toyoma to reach the aforementioned advantage.

Toyoma discloses displaying an area map and allowing users to select media from the map (see column 9 lines 37-50) It does not expressly disclose retrieving this map area by street address. However such a feature is notoriously well known see Wise (column 2 lines 47-61) The motivation to combine is to retrieve a map by street address. Therefore it would have been obvious to combine Toyoma with Wise to achieve the aforementioned advantage.

For claim 55 Toyoma discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate an owner of the digital photograph (creator column 2 lines 35-45).

Re claim 67 Toyoma discloses making the data repository accessible to a map developer; and allowing the map developer to update maps using the digital photographs stored in the data repository (column 9 lines 35-55).

Re claim 68 Toyama discloses transmitting copies of the selected digital photographs to the users who selected them over the network (column 8 lines 30-50).

Re claim 70 Petzold discloses the search function allows a user to specify a physical location by distance from a reference point (column 2 lines 40-50). .

Re claim 22 Toyoma discloses the search function supports free text searches (column 2 lines 35-45)

Re claim 23 Toyoma discloses wherein the data repository automatically recognizes potential place names when users enter text to be associated with digital photographs being stored (column 2 lines 33-45.

Claims 53-54, 56-58, 63-66, 69 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama US 7,475,060 in view of Petzold US 6,466,865 in further view of Wise et al US6,323,885, in further view of Squibbs US 6,914,626.

For claim 53, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicates an orientation (column 1 lines 20-21). The motivation to combine is to provide orientation data see column 1 lines 20-21) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 54, Toyoma Petzold and Wise disclose the elements of claim 52. Squibs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data restrict which other users may obtain a copy of the digital photograph (column 8 lines 15-16). The motivation to combine is to make access to the photos password protected (see column 8 lines 15-16) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 56, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was taken (fig. 4 column4 lines 10-45). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 57, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data indicate a date on which the digital photograph was deposited in the data repository (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 58, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data

repository, wherein the additional data provide a description of the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

Re claim 63 Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses the physical location associated with the digital photograph indicates the location of an object in the digital photograph (fig. 4). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 64, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses the data that indicate a physical location is obtained, for at least some of the digital photographs, from positioning equipment associated with the camera that took the photograph (fig. 1). The motivation to combine is to associate further meta data with the image (see column4 lines 10-35). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 65, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses the data that indicate a physical location is obtained from the user from whom the associated digital photograph was received (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 66, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses when receiving digital photographs from users, requesting each user to indicate the physical location to be associated with the digital photograph (fig. 4 column 6 lines 40-55). The motivation to combine is to associate further meta data with the image (see column 6 lines 40-55). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 69, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses for some of the digital photographs received from users, allowing the users to associate a plurality of digital photographs as a related group (column 6 lines 1-10). The motivation to combine is to create groups of photos (column 6 lines 1-10). Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage.

For claim 71, Toyoma Petzold and Wise disclose the elements of claim 52. Squibbs discloses the search function allows a user to specify a physical location by a bounding area (map of fig. 7). The motivation to combine is to navigate the display (column 8 lines 20-30) Therefore it would have been obvious to combine Toyoma Petzold Wise and Squibbs to reach the aforementioned advantage

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 1 above, and further in view of U.S. Patent Number 6,977,679 issued to Tretter et al. ("Tretter").

For claim 59, Toyoma Petzold and Wise disclose the elements of claim 52. Tretter discloses for some of the digital photographs stored in the data repository, associating additional data with the digital photograph and storing the additional data in the data repository, wherein the additional data include a focal length used for the digital photograph (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to record the focal length with the digital photographs of Toyoma for the benefit of categorizing non-textual subject data such as digital images as taught by Tretter in the abstract.

Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 52 above, and further in view of linuma U.S. Patent Number 2002/0073214

Re claim 60 Toyama Petzold and Wise disclose the elements of claim 52. linuma discloses for some of the selected digital photographs transmitted to users, charging the users a fee for the selected digital photographs (figure 1 see abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine linuma with Toyoma to charge a fee for selected photographs for the advantage of obtaining copywriter material for a fee (see abstract)

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoma Petzold and Wise as applied to claim 52 above, and further in view of U.S. Patent Number 7,100,190 issued to Johnson et al. ("Johnson").

For claim 61 Toyama Petzold and Wise disclose the elements of claim 52. Johnson discloses storing links to web cams in the data repository; when storing each link to a web cam in the data repository, associating each link to a web cam with data

that indicate a physical location, wherein the physical location indicates where the web cam associated with the link is located; providing a search function available to the users over the network that enables users to search by physical location for web cam links stored by other users; allowing users to select links to web cams of other users; and transmitting the respective selected web cam links to the users who selected them over the network (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the webcam network with the digital photograph network of Toyama for the benefit of permitting users to take virtual trips as taught by Johnson in the abstract.

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 52 above, and further in view of U.S. Patent Number 6,965,828 issued to Pollard.

For claim 62 Toyama Petzold and Wise disclose the elements of claim 52.

Pollard discloses the physical location associated with the digital photograph indicates a vantage point of the digital photograph (column 8 line 61). It would have been obvious to one of ordinary skill in the art at the time of the invention to indicate the vantage point of the location for the benefit of offering information or providing services relevant to that location as taught by Pollard in column 1 lines 24-38.

Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyama Petzold and Wise as applied to claim 52 above, and further in view of 2003/0021591.

For claim 72 Toyama Petzold and Wise disclose the elements of claim 52. Jones discloses establishing groups of users, wherein each group comprises a subset of all users; and restricting exchange of digital photographs stored in the data repository by members of a group to only members of the group (paragraph 82). The motivation to combine is to generate groups of photographs by a plurality of photographers at an event see paragraph 82. Therefore it would have been obvious to combine Toyama with Jones to reach the aforementioned advantage.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

Motsinger
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